

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA:

Furama Los Angeles, Inc.	:	
Dragon Charm, LLC	:	
Larry J. Austin	:	
and related entities	:	
c/o John E. Williams	:	
3213 Duke Street, Suite 601	:	
Alexandria, VA 22314	:	
	:	
Plaintiffs	:	
v.	:	Civil Action No. 1:15-cv-00049-TSB-TCB
Graham Taylor, Esq.,	:	
Dewey LeBoeuf Liquidating Trust,	:	
as successor to Dewey LeBoeuf, (as successor	:	
to LeBoeuf Lamb, together with all partners of said	:	
firm (and associates) (collectively "LeBoeuf");	:	
Proskauer Rose LLC; Deutsche Bank AG; as well as:	:	
the defendants John Does 1 through 10, said names	:	
being fictitious, but intended to refer to those firms	:	
and/or individuals providing malpractice coverage	:	
and/or support work for the advice and services of	:	
the prior-named Defendants herein ("Supporting	:	
Defendants"); Ira Akselrod, Esq. and Proskauer	:	
Rose LLC (the "Proskauer Defendants");	:	
R. J. Ruble, Esq., and Sidley Austin	:	
Brown & Wood LLC, ("Sidley Defendants")	:	
	:	
Defendants	:	
.....	:	

PLAINTIFFS' RESPONSE TO SHOW CAUSE

Plaintiffs, through Counsel, respond to the Court's direction to show cause under FRCP Rule 4(m), and for that purpose state as follows:

1. Plaintiffs have not yet served any defendant in this case. Plaintiffs request a stay or continuance of at least 180 days in order to assess developments in the related cases that are described below, before deciding whether to serve the Defendants here or else dismiss this case.
2. The Complaint here in the Eastern District of Virginia is substantially the same as the

Complaint filed on the same date, January 12, 2015, in the U.S. District Court for the Northern District of California, as Case No. 3:15-cv-00162-JSC. Both cases were filed in order to protect and preserve Plaintiffs' claims for Tens or Hundreds of Millions of Dollars in Damages for Legal Malpractice and Fraud against the attorney Defendants.

3. Those claims were originally filed in the New York State Court for New York County (Manhattan) on March 13, 2014 as Case No. 650817-2014. The primary defendant in that New York case is the Dewey LeBoeuf Liquidation Trust which controls the affairs and assets of the former Dewey LeBoeuf law firm in Bankruptcy. The Dewey Liquidation Trust gave Plaintiff Mr. Larry Austin and his partner Mr. Roy Hahn the right, which was given to no other claimant on any matter against the Dewey law firm, to have the Bankruptcy stay lifted so that Dewey's legal malpractice carrier could effectively be sued in the New York State Court. Other law firms were joined as defendants along with the Dewey Liquidation Trust.
4. Defendant law firms in New York have moved for dismissal and summary judgment based primarily on particular statute of limitations ("SoL") grounds that we believe are unique to New York, under its statutory and case law, and do not pertain in either Virginia or California.
5. Plaintiff Larry Austin and his New York attorney have guarded optimism that they will prevail against that defense. But it is understood that there are plausible arguments on both sides. Plaintiff Austin had hoped that the New York SoL issue would have been decided before now. Since that did not occur, we determined that it was prudent and essential to file here in order to preserve at least some part of the

claims if the suit in New York is dismissed on New York SoL grounds.

6. We believe, among other things, that January 12, 2015 was the last day to sue for Fraud in California under California law because of the fraud SoL, which is three years, may have accrued as early as January 12, 2012 when IRS surprised Plaintiffs by assessing them many millions in tax penalties due to what Plaintiffs contend was the Defendant lawyers' negligence and fraud.
7. The timing and future development, if any, of the case here also is directly linked to very active litigation that is ongoing in the United States Tax Court and the 4th Circuit Court of Appeals concerning the underlying issues of substantive taxation law as to which the Defendants in the case here, and in the New York and California cases, committed malpractice. The Tax Court case is "Larry Austin v. Commissioner of Internal Revenue," No. 28303-09, and the 4th Circuit appeal in that case is "Larry Austin v. Commissioner of Internal Revenue," No. 15-1229.
8. To the extent that Plaintiff Austin and his partner Mr. Roy Hahn are able to mitigate, or even entirely defeat, the claims of the United States Internal Revenue Service, notwithstanding the defendant lawyers' malpractice, that would moot, at least in part and possible in the entirety, the malpractice and fraud claims against the Defendant lawyers herein and in the California and New York cases.
9. A stay herein is also requested since Plaintiffs' capabilities to prosecute their claims herein has been virtually vitiated by the severe medical condition of Plaintiff Austin who has the greatest knowledge of the other two corporate Plaintiffs. Mr. Austin has multiple maladies, detailed in his Motion for Award of Litigation Costs in the above-referenced Tax Court case and 4th Circuit appeal, including an extremely low iron condition being treated by a course of infusions under the direction of three

physician groups (including oncologists) at John Hopkins Medical Center, which condition and course of treatment are extremely fatiguing and debilitating.

10. Accordingly, we request that the case herein be stayed, or at least further action be postponed, for 180 days. The further action to be postponed would include, without limitation, service of process on any Defendant.

Respectfully submitted,

/s/ John E. Williams

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